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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,979	04/14/2004	Donal P. Inman	40518.0001	7515
26712	7590	02/27/2006		
HODGSON RUSS LLP ONE M & T PLAZA SUITE 2000 BUFFALO, NY 14203-2391			EXAMINER STOKES, CANDICE CAPRI	
			ART UNIT	PAPER NUMBER
			3732	
DATE MAILED: 02/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/824,979

Applicant(s)

INMAN, DONAL P.

Examiner

Candice C. Stokes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberg (USPN 4,571,178). Rosenberg discloses a force adjusting mechanism (see Fig 3) for an orthodontic appliance located in association with a patient's dental arch and including spring means (12,12') for applying force to one or more of the patient's teeth, the force adjusting mechanism comprising: a shaft (14,14') operatively coupled at opposite ends between a first portion (10) of the appliance which is anchored in the patient's dental arch and a second portion (32,32') of the appliance including the spring means (12,12') which applies force to one or more of the patient's teeth; a lock (15,15') movable along the shaft (14,14') to compress the spring (12,12') between the lock (15,15') and the second portion (32,32') of the appliance; and co-operating structures (16,16') on the shaft (14,14') and on the lock (15,15') to provide a unidirectional ratchet movement of the lock (15,15') along the shaft (14,14'); so that the lock (15,15') may be advanced one step at a time in one direction only to compress the spring (12,12') to apply force in a stepwise manner to one or more of the patient's teeth. Specifically Rosenberg discloses "the turning of locks (15,15') will cause pistons 13 and 13' to exert forces on the springs 12 and 12' and consequently on the forward portions of chambers 11 and 11', rods 10 and 10' and finally on the padded plate 8 and 8' (Fig. 3). The padded plates" "will serve to

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prevent or limit forward motion of the molars” (column 3, line 67-column 4, line 7). This also anticipates claims 6 and 8-9. As to claim 2, the co-operating structures (16,16') comprise a series of successive detent formations (or threads) along an outer surface of the shaft (14,14') and a component on the lock (15,15') movable into and out of the detent formations on the shaft (14,14'). Regarding claims 3,7, and 10 the lock (15,15') has a formation (as shown in Figure 3) thereon for engagement by a manually operated instrument for moving the lock along the shaft. As to claim 4, wherein the detent formations (threads) are defined by an axial series of substantially frusto-conical formations (threads) each having a ramp-like surface and providing a series of axially spaced-shoulders. To claim 5, wherein the lock component (15,15') comprises one or more generally axially extending fingers (cooperating threads), which flex inwardly to be received with a corresponding shoulder and to ride along a corresponding ramp-like surface during the unidirectional ratchet movement of the lock (15,15') along the shaft.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Carano et al (USPN 6,220,856); Farzin-Nia et al (USPN 6,267,589); Carano et al (USPN 5,785,520) .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Candice C. Stokes whose telephone number is (571) 272-4714. The examiner can normally be reached on 8:00am - 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Candice C. Stokes


Cary E. O'Connor
Primary Examiner